

BAINBRIDGE-DECATUR

PLANNING COMMISSION

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

September 14th, 2021

6:00 p.m.

City Hall Council Chambers

- I. DETERMINATION OF A QUORUM
- II. CALL TO ORDER AND INVOCATION
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING
- IV. NEW BUSINESS:

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance regarding Central Business District Ground Floor Residential in an effort to allow (under certain conditions) certain residential uses in the city's Central Business District Zoning classification.

ITEM 2: CU-2021-004: Applicant AGK Investments is requesting a conditional use in the Urban Residential 6 Zone (UR-6) for a Short Term Rental on the property located at 705 Broughton St. The property is 0.32 acres.

ITEM 3: ZONE-21-003: Applicant Grace Christian Academy is requesting a zoning change from Urban Residential 6 (UR-6) to Institutional (INS) for the purpose of constructing athletic fields, associated parking and small support structures for the athletic fields. The property is located on Hwy 97 South (part of Parcel ID B0420045) and is 70.24 acres.

- V. OLD BUSINESS:
- VI. ADJOURNMENT

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

August 10, 2021

6:00 p.m.

City Council Chambers

MINUTES

MEMBERS PRESENT: Frank Flowers, John Marshall, Gene Dunlap, Zach McClendon, Alan Davis

MEMBERS ABSENT: Billy Ward, Lachanda Mackey

OTHERS PRESENT: Steve O'Neil, Keith Pollock, Amanda Glover, Mike Conder, Rachel Trolinger, Crystal Hines, Randee Eubanks, Alfreda Sheppard, Margueritte Jackson, Bruce Kirbo, Jr.

I. CALL TO ORDER

Chairman Frank Flowers called the meeting to order at 6:00 P.M. and started off with a moment of silence for Mr. Billy Ward then gave the invocation.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes from the July 13th, 2021 meeting were presented to the Planning Commission. Commissioner Davis made a motion to approve the minutes, seconded by Commissioner Dunlap and passed unanimously.

III. NEW BUSINESS

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance to make the definitions section more user friendly, adding a definition for micro distillery, adding micro distillery to the table 7.1 (Permitted and Conditional Uses for Commercial and Industrial Zoning Districts), and adding multiple family dwellings and Recreational vehicle parks as a conditional use in Light Industrial (LI) zoning.

Steve O'Neil started off by explaining his requests for the zoning ordinance to be organized into an alphabetical list to make it more use friendly, to add a definition of micro distillery, and to add multiple family dwellings and recreational vehicle parks as a conditional use in the light industrial zoning district. After more explanation and discussion Chairman Flowers called for a motion.

Commissioner Davis made a motion to accept the text amendment, seconded by Commissioner Marshall, and unanimously passed.

ITEM 2: CU-2021-0014: Applicant Max Bryant is requesting a conditional use in the Central Business District Zone (CBD) for a funeral home on the property located at 105 N. Florida St. The property is 0.66 acres.

Mr. Conder came forward and spoke on behalf of Max Bryant for the conditional use request at 105 N. Florida St. He began by explaining the reason for the conditional use request. He stated that after the certificate of appropriateness was issued, building plans were submitted and approved and the building permit was issued they immediately began work. He went on to say that after the work was about 95% finished he received a phone call from Chris Hobby with the City of Bainbridge stating that 105 Florida St. never had a conditional use. Mr. Conder stated that Mr. Hobby told him that it was a funeral home at one time but the zoning rules had changed and he needed to get a conditional use. Mr. Hobby contacted Mr. Conder and told him that the City would honor the assumed previously issued conditional use on the property. Mr. Conder stated that shortly after the funeral home opened he talked with his 2 business partners and had also spoken to Mr. Hobby and Mr. Steve O'Neil and they thought it would be good business practice to go ahead and apply for the conditional use and so they did. Chairman Flowers asked about parking navigation of vehicles and Mr. Conder stated that a parking plan was submitted to Mr. O'Neil and also engaged with Southwest GA Oil on a parking lot lease that is around the corner. He went on to explain the accommodation of vehicle parking and stated that the parking guidelines were fully met.

Commissioner Dunlap asked about the overflow parking lot lease agreement and for how long it is for. Mr. Conder said that is for one year with the ability to roll over. Commissioner Dunlap asked what if the property sells and Mr. Conder stated that in that case they wouldn't have it and they aren't required to have it anyhow since they meet the parking requirements as outlined in the zoning ordinance. Commissioner Dunlap stated that he was aware of the zoning requirements but asked about the parking for employees was in addition to the chapel requirements. Mr. O'Neil rehashed the ordinance requirements and restated that the applicant meets the currently adopted zoning ordinance parking requirements.

Commissioner McClendon asked Mr. Conder about the potential for traffic issues and parking issues throughout the day. Mr. Conder further stated that funeral homes generally park people and went on to state that the funeral home more than meets the parking requirements in his eyes.

Commissioner McClendon asked who the owners were and Mr. Conder stated that it was him as managing partner, and Glennie Bench and Edward Reynolds.

Chairman Flowers then asked if anyone was there to speak in favor of the request or in opposition of the request.

Alfreda Sheppard with Watson Spence LLP law firm came forward and stated that she was there representing Rollings Funeral Services. Here points are as follows:

1. Ms. Sheppard's first stated point was that her client believed that the funeral home had improperly been in business for several months now without having the commission's approval as required.
2. Her second point was that stated on page 3 of the conditional use application where it says "existing use of subject property" the response is "vacant commercial". She explained that her understanding was that Mr. Conder just said that the funeral home had been operating for several months.

3. Ms. Sheppard's client, on good faith belief, has been advised by other individuals in the community that the chapel that is claiming to hold 140 seats can actually hold upwards of 180 seats and that Bryant funeral home has made indications of such.
4. Ms. Sheppard claimed that a lease agreement for overflow parking with Southwest Georgia Oil had not been filed. As it relates to public parking, overflow parking must be within 800 ft and 1500 ft for properties zoned CBD. Parking must provide convenient and safe pedestrian access.

Mr. Bruce Kirbo Jr. elected to speak against the process of the conditional use application. Mr. Kirbo believes that this process has intentionally put the commission in the position of being "pawns" to something that had already been decided. Mr. Kirbo explained that the city was aware long ago that the parcel required a conditional use. Mr. Kirbo went on to explain that a process that allows this to happen is flawed process. He spoke with the proper officials with the city and they told him that no business would be operating there until a conditional use application had been made and approved. That apparently is not the way it really happened and he believed that, intentionally, by someone, the planning commission has been put in a situation. Mr. Kirbo asked that in the future in the Planning commission members are going to be used as "pawns" to use your voice to let whoever you're working for know that you're not going to be used as pawns. Mr. Kirbo questioned the parking plan and the locations of the handicap parking spaces. Mr. Kirbo stated that he was here just for "Bruce". Mr. Kirbo questioned the amount of seating as it relates to parking.

Mr. O'Neil gave his staff opinion stating first off that "we did gaffe". Staff assumed since this property previously had a funeral home in it in the early 1990's that it had a conditional use already in place. Extensive research was done and no record could be found of a conditional use in place or being applied for. Mr. O'Neil stated that what he assumes happened is that in the early 1990's, the City of Bainbridge was probably operating under the 1980 Bainbridge Zoning Ordinance which allowed funeral homes in the CBD as a permitted or "by-right" use and therefore no conditional use would have been needed at that time. Mr. O'Neil did not find a new zoning ordinance that would have been adopted between 1980 and 2007. Mr. Flowers suggested there was one from 1996 but staff did not have a copy of that. Mr. O'Neil stated that "we made a mistake and it certainly was not intentional". Mr. O'Neil further stated that if he had received this conditional use application a year prior, his recommendation would have been the same and that his recommendation is for approval. Commissioner Marshall asked how we can remedy and avoid this situation in the future.

Commissioner Dunlap asked about the addition parking and that we need to look at the parking mentioned that was within 1500 feet. Secondly, he questioned how many people the chapel can hold. Commissioner Dunlap attempted to make a motion to table the proceedings pending answers to the questions raised. Chairman Flowers interrupted and said that he had not called for a motion as they were still in the discussion phase he further explained the commissions options for a decision, those being deny it, approve it, or approve it with conditions that have to be addressed, namely overflow parking and how many seats the chapel can hold.

Commissioner McClendon made a motion to accept with stipulations. The stipulations being the parking parameters up to the 1500 ft. and the safe pedestrian travel from public parking to the property and an accurate seating count. The motion was seconded by Commissioner Marshall and the vote was unanimous for approval with conditions.

- I. **Old Business:**
- II. Mr. O'Neil reminded commissioners about the upcoming GAZA conference and that he would send out the finalized agenda once he receives it and asked if anyone was interested taking commissioner Wards seat at the conference. Mr. Marshall volunteered to utilize it if Commissioner Mackey (absent) was unable to go.
- III. **Adjournment:** There being no more business, the meeting was adjourned.

Dr. Frank Flowers, Chairman

Proof

Client	CITY OF BAINBRIDGE DEVELOPMENT	Phone	(229) 400-9303
Address	STEVE O'NEIL PO BOX 158	E-Mail	
		Fax	
AD #	1294999	Requested By	CITY OF BAINBRIDGE DEVELOPMENT
Class	2610	PO #	STEVE O'NEIL
Start Date	08/18/21	Created By	
End Date	08/18/21	Creation Date	BRITTANY.SCH
Run Dates	2	Dimensions	08/16/2021
Pubs	The Post-Searchlight, ThePostSearch-	Price	1 X 6,444
Order #	light.com 0		\$40.00
Sales Rep	Brittany Schofield	Phone	
		E-Mail	brittany.schofield@shelbycountyreporter.com
		Fax	

PUBLIC NOTICE

**PUBLIC HEARING NOTICE
ZONING**

**Bainbridge –Decatur County
Planning Commission
Meeting**

**September 14th, 2021
6:00 P.M.**

City Hall Council Chambers

**City of Bainbridge City
Council Meeting**

**September 21st, 2021
6:30 P.M.**

City Hall Council Chambers

ITEM 1: The City of Bainbridge is considering text amendments to the Bainbridge Zoning Ordinance regarding Central Business District Ground Floor Residential in an effort to allow (under certain conditions) certain residential uses in the city's Central Business District Zoning classification.

ITEM 2: CU-21-004: Applicant AGK Investments is requesting a conditional use in the Urban Residential 6 Zone (UR-6) for a Short Term Rental on the property located at 705 Broughton St. The property is 0.32 acres.

ITEM 3: ZONE-21-003: Applicant Grace Christian Academy is requesting a zoning change from Urban Residential 6 (UR-6) to Institutional (INS) for the purpose of constructing athletic fields, associated parking and small support structures for the athletic fields. The property is located on Hwy 97 South (part of Parcel ID B0420045) and is 70.24 acres.

Please contact Community Development Director Steve O'Neil @ 229-248-2000 with any questions or comments.

The Post Searchlight:
Aug. 18, 2021
PUBLIC HEARING

Section 7.5.8- Central Business District Ground Floor Residential Uses.

Ground floor residential is prohibited in the city’s central business zoning district except under the following circumstances:

1. In non-detached buildings; residential uses are only permitted above the ground floor unless a person has a physical (mobility) handicap significantly limiting their use of above ground floor building levels for residential purposes; in this case the occupant must be engaged in an on-site commercial endeavor; a minimum of 25% of the ground floor must be dedicated to the commercial use; the commercial activity shall be conducted in the front portion of the building only; and there shall be no visible evidence the ground floor is used for residential purposes.
2. In detached buildings, townhomes shall be allowed in the Central Business District if the following conditions are met:
 - The building must contain a minimum of three and a maximum of 5 townhomes.
 - The heated floor space of a downtown townhome shall be a minimum of 900 square feet.
 - The minimum lot size for a downtown townhome is 1/10 of an acre or 4356 square feet.
 - Only one building is allowed per lot.

Site	
Townhouse units per site:	3 min.
Townhouse units in a row:	5 max.
Fenestration	
Ground floor:	15% min.
Upper story:	15% min./35% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min./5 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	
Design	

No more than three adjacent units may have identical facade designs. Differentiation between adjacent units may be accomplished by a change in materials, building height, color, roof form, or setbacks.

3. Single family detached units are prohibited in the CBD.

7.5.9 Fenestration.

- A. Fenestration is the minimum percentage of window and door glass that must cover a facade.
- B. Glass used to satisfy fenestration requirements must be unpainted, must have a transparency (visible light transmission) higher than 70%, and must have an external reflectance of less than 15%. Transparency and external light reflectance must be established using the manufacturer's specifications.
- C. Fenestration is measured from the top of the finished floor to the top of the finished floor above.
- D. When there is no floor above, fenestration is measured from the top of the finished floor to the top of the wall plate.

Staff Recommendation

This is a text amendment that will essentially allow townhomes to be developed in the CBD. There are areas where this type of development is encouraged but zoning has always been the hang up. This zoning text amendment will help make residential townhomes an option as opposed to just retail/commercial on vacant lots.

Staff recommend approval.



P.O. Box 158
Bainbridge, Ga. 39818

www.bainbridgecity.com

Phone: 229-248-2000
Fax: 229-246-7311

APPLICATION #: CU-2021-0004

FEE: \$100.00

CONDITIONAL USE APPLICATION

NOTICE: State Law O.C.G.A. 36-66-4 requires, "a local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action at least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation, within the territorial boundaries of the local government, a notice of hearing."

Said notice shall state the time, place, and purpose of the hearing; therefore, applicants must submit their complete application, an application complying with the procedural requirements of the city's zoning ordinance and found to be complete with regard to application materials, payment of fees, supportive material and any other application requirements specified prior to the newspaper public notice advertising deadline date needed to fulfill the requirements of O.C.G.A. 36-66-4. The zoning administrator and/or his representative shall have at least 10 days prior to the advertising deadline date to determine whether an application is complete and eligible for advertisement. Applications submitted less than 10 days prior to the advertising deadline date are not guaranteed to be reviewed or included in the required advertising. Such applications shall be held until the next application cycle.

APPLICATION INFORMATION

APPLICANT(S): Natalie Kirbo for AGK Investments LLC
ADDRESS: 608 E. Broughton Street, Bainbridge
PHONE: (850)933-5305

PROPERTY INFORMATION

PROPERTY OWNER(S): Natalie Kirbo, AGK Inv. LLC
ADDRESS: 705 E. Broughton St. (+ 705A)
PHONE: (850)933-5305 ↑
LOCATION OF SUBJECT PROPERTY: _____

PROPERTY INFORMATION (continued)

TAX MAP: _____

PARCEL: B0330145
B0330145A00

SIZE (ACRES): 0.5 total

ZONING DESIGNATION OF SUBJECT PROPERTY: UR-4

PROPOSED USE OF PROPERTY (BRIEF): short-term rental property
(as opposed to current use as long-term
rental property.)

REQUIREMENTS FOR CONDITIONAL USE REQUESTS

Conditional use request applications *must* include the following:

- 1. APPLICATIONS REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.1) Page 5
- 2. PLAN REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.2) Page 5
- 3. ANALYSIS REQUIREMENTS (Forms provided on page 3)
(ZONING ORDINANCE TABLE 14.2.3) Page 6

<p><u>Natalie King</u> Property Owner Signature</p> <p><u>7/22/21</u> Date</p>	<p><u>Natalie King</u> Submitted By:</p> <p><u>7/22/21</u> Date</p>
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DEPARTMENT USE ONLY

SUBMITTAL DATE: _____ DATE CERTIFIED COMPLETE: _____

Department Representative Signature

CONDITIONAL USE APPLICATION

TABLE 14.2.3
ANALYSIS REQUIREMENTS

1. Existing use(s) of subject property: residential; long term rental
2. Existing zoning of property contiguous with or located within 100 feet of subject property: _____
UR-6 residential + one short term rental
3. Does the proposed conditional use request permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)? Yes No
Explain: owner currently operates a short term rental across the street, which has been suitable
4. Will the proposed conditional use result in a use which could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools? Yes No
Explain: guests are very short term, small groups, with minimal use of infrastructure.
5. Is the proposed conditional use in conformity with the policy and intent of the comprehensive plan* including use element? Yes No
6. Are there other existing or changing conditions affecting the use and development of property which give supporting grounds for either approval or disapproval of the proposal? Yes No
7. Does the property to be affected by the proposed conditional use have a reasonable economic use as currently zoned? Yes No

*A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the City Hall map room and on the city's website at www.bainbridgecit.com.

CONFLICT OF INTEREST IN ZONING DECISIONS
CAMPAIGN CONTRIBUTIONS

36-67A-3.

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom the campaign contribution was made; and (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the Respective local government showing:

The name and official position of the local government official to whom the campaign contribution was made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

I CERTIFY THAT ALL STATEMENTS FURNISHED IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I AM AWARE OF THE PROVISIONS CONTAINED IN O.C.G.A. 36-67A-3.

Property Owner(s) Signature: <u>Natalee Kish</u>
Address: <u>1608 E. Broughton St Bainbridge GA</u>

PUBLIC HEARING DATES

DATE OF PLANNING COMMISSION MEETING: 9/14/21 @ 6:00 p.m.

DATE OF CITY COUNCIL MEETING: 9/21/21 @ 6:30 p.m.

*Planning Commission meetings are held at 6:00 p.m. at City Hall in the City Council Chambers.
City Council meetings are held at 6:30 p.m. at City Hall in the City Council Chambers.*

Summary

Parcel Number B0330145
 Location Address 705 BROUGHTON ST
 Legal Description 165 227 705 BROUGHTON ST
 (Note: Not to be used on legal documents)
 Class R3-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Tax District Bainbridge (District 02)
 Millage Rate 33.449
 Acres 0.32
 Homestead Exemption No (\$0)
 Landlot/District N/A



Owner

[SMITH BETTY JANE F](#)
 1163 HUBBARD RD
 NEWTON, AL 36352-8837

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	FF-RES: 70.00	Front Feet	13,775	95	145	0.32	0

Residential Improvement Information

Style One Family
 Heated Square Feet 1313
 Interior Walls Sheetrock
 Exterior Walls Vinyl Siding
 Foundation Piers
 Attic Square Feet 300 - 100% Finished
 Basement Square Feet 0
 Year Built 1945
 Roof Type Galvanized Metal
 Flooring Type Pine
 Heating Type CH AC
 Number Of Rooms 0
 Number Of Bedrooms 0
 Number Of Full Bathrooms 1
 Number Of Half Bathrooms 0
 Number Of Plumbing Extras 0
 Value \$40,612
 Condition Average
 House Address 705 BROUGHTON

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
GARAGE	1900	19x43 / 0	1	\$400

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/13/2004	165 227		\$0	Unqualified - Improved		SMITH BETTY JANE F
4/8/1974	D10 127		\$15,000	Unqualified Sale		SMITH WILLIAM E & BETTY

Valuation

***2021 Year Values are Working Values**

	2021	2020	2019	2018	2017
Previous Value	\$47,574	\$45,390	\$45,390	\$48,357	\$48,357
Land Value	\$6,562	\$6,562	\$6,562	\$6,562	\$6,584
+ Improvement Value	\$51,750	\$40,612	\$38,428	\$38,428	\$41,223
+ Accessory Value	\$327	\$400	\$400	\$400	\$550
= Current Value	\$58,639	\$47,574	\$45,390	\$45,390	\$48,357

Area Sales Report

Sale date range:

From: 07/29/2018 To: 07/29/2021

Sales by Area

1500 Feet Sales by Distance

Photos

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Application Requirement	Conditional Use
Application fee as established by resolution	Required - \$100.00
Application form furnished by the zoning administrator, including the applicant's signature and the property owner's signature	Required <i>CONDITIONAL USE APPLICATION</i>
Legal description of the property	Required
A survey plat of the property prepared by a registered land surveyor or, if the property is recorded on an existing plat in the land records of Decatur County, a copy of the correct county tax map found in the current tax mapping system of the county	Required
Letter of intent describing the proposed use of the property and/or other action requested	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 14.2.8, "Plan Requirements")	Required
Description of efforts of any special conditions voluntarily made a part of the request	Required
Other information required by the zoning administrator	Maybe

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Site Plan Requirement	Conditional Use
Footprints of existing and proposed buildings and structures	Required
Dimensions and locations of parking areas including internal circulation and driveway approaches	Required
Tree protection survey (if applicable)	Maybe
Dimensions and general location of any landscaping and/or buffers (if applicable)	Required
Preliminary drainage plans (if applicable)	Required
Method of water supply and sewage disposal if not available on-site (if applicable)	Required
Dimensional requirements by zoning district	Required
Specific use provisions (if applicable)	Required
General dimensional provisions (if applicable)	Required
General development requirements (if applicable)	Required
Application requirements (if applicable)	Required
Other Information as required by the Zoning Administrator	Maybe

**TABLE 14.2.3
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application for Conditional Use
1. Existing use(s) and zoning of subject property	Required
2. Existing zoning of nearby property	Required
3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Maybe
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element ***	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required
7. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required

*** A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the map room at City Hall.



**ZONING
PUBLIC
HEARING**

PLEASE CONTACT
PLANNING DEPARTMENT
FOR APPLICATION
INFORMATION

705

DIRECTV

705

BAINBRIDGE-DECATUR

PLANNING COMMISSION

Staff Analysis

DATE: August 30th, 2021

TO: Bainbridge-Decatur County Planning Commission, Mayor and City Council

FROM: Steve O'Neil, Community and Economic Development Director

SUBJECT: CU-2021-004

ITEM: CU-2021-004: Applicant Natalie Kirbo (AGK Investments, LLC) is requesting permission for a conditional use to convert a residential structure at the property located at 705 Broughton St to a Short Term Rental (AirBnB).

Conditional use: A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Body within that particular zoning district as provided in certain instances by this zoning ordinance. An approved conditional use runs with the property.-City of Bainbridge, GA, Zoning Ordinance.

CURRENT ZONING: (UR-6) Urban Residential 6



Section 6.4.1. Purpose and Intent.

UR-6 districts are intended to establish low-density urban residential neighborhoods comprised of predominantly detached single-family dwellings (not including mobile or manufactured homes). These districts are served by public water sanitary sewer and service.

BAINBRIDGE-DECATUR

PLANNING COMMISSION

FUTURE LAND USE DESIGNATION: Residential (Urban Low Density)

Analysis

The applicant's request to rehabilitate a residential structure and utilize it as a short term rental is in conformity with the goals and policies of the City of Bainbridge Comprehensive Plan. The City generally encourages preserving structures instead of tearing them down. The short term rental will be subject to hotel/motel tax. Adequate space for parking exists. As you may remember this house has just suffered a house fire and the applicants goal is to fix it back up.

Recommendation

Planning Staff recommend approval of the applicants conditional use request to rehabilitate a residential structure and to operate a short term rental facility at 705 Broughton Street.



· Truth In Excellence ·

GRACE CHRISTIAN ACADEMY

1302 Lake Douglas Road
Bainbridge, Georgia 39819
Phone 229-243-8851/Fax 229-243-0515

August 5, 2021

City of Bainbridge—Planning and Zoning
PO Box 158
Bainbridge, GA 39818

Attn: Mr. Steve O'Neil

RE: Former Adams Tract, Hwy 97 South
Letter of Intent

Mr. O'Neil:

Grace Christian Academy is the Owner of 70.24 acres located on Highway 97 South, across from Burgundy Timber Company. The purpose of this letter is to address the intent of use for that property as required by the Zoning Change Application that we are filing.

GCA intends to construct athletic fields in the near future on the property. Plans currently call for a baseball field as well as a football/soccer field if fundraising will allow. Associated with this effort we will install parking areas and a driveway to access the parking. While not immediately planned, we hope in the future to be able to construct some small structures to support athletic activities such as a concession stand and/or a field house for lawn maintenance equipment.

Please let us know if you have any questions regarding the intended use of the property.

Sincerely,

Cile Warr
Executive Director



P.O. Box 158
Bainbridge, Ga. 39818

www.bainbridgecity.com

Phone: 229-248-2000
Fax: 229-246-7311

APPLICATION #: _____

FEE: \$100.00

ZONING CHANGE APPLICATION

WE, the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Map of the City of Bainbridge as hereinafter requested. In support of this application the following facts are submitted:

APPLICANT(S): Grace Christian Academy

ADDRESS: 1302 Lake Douglas Road, Bainbridge, GA 39819

PHONE NUMBER(S): 229-243-8851

NOTICE: State Law O.C.G.A. 36-66-4 requires, "a local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action at least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation, within the territorial boundaries of the local government, a notice of hearing."

Said notice shall state the time, place, and purpose of the hearing; therefore, applicants must submit then **complete** application, an application complying with the procedural requirements of the city's zoning ordinance and found to be complete with regard to application materials, payment of fees, supportive material and any other application requirements specified prior to the newspaper public notice advertising deadline date needed to fulfill the requirements of O.C.G.A. 36-66-4. The zoning administrator and/or his representative shall have at least 10 days prior to the advertising deadline date to determine whether an application is complete and eligible for advertisement. Applications submitted less than 10 days prior to the advertising deadline date are not guaranteed to be reviewed or included in the required advertising. Such applications shall be held until the next application cycle.

INFORMATION ON PROPERTY DESIRED TO BE ZONED:

STREET ADDRESS: GA Highway 97 South

TAX MAP PAGE: B42-45

PARCEL: Land lots 282 and 319/20th L.D.

SUBDIVISION (IF APPLICABLE): N/A

FRONTAGE: +/-2170'

DEPTH: +/-2103'

ACRES: 70.24

PRESENT ZONING OF PROPERTY: UR-6

PRESENT USE OF PROPERTY: Agriculture and Timber

PROPOSED ZONING OF PROPERTY: INS

PROPOSED USE OF PROPERTY: School(K-12, predominately HS/MS) Athletic fields(baseball, football/soccer) and supporting appurtenances

ZONING CHANGE REQUIREMENTS:

Zoning change applications *must* include the following:

- 1. APPLICATIONS REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.1) Page 5
- 2. PLAN REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.2) Page 5
- 3. ANALYSIS REQUIREMENTS (Forms provided on page 3)
(ZONING ORDINANCE TABLE 14.2.3) Page 6

OWNERSHIP INFORMATION:

THE FOLLOWING ARE ALL OF THE PERSONS, FIRMS, OR CORPORATIONS OWNING PROPERTY INCLUDED WITHIN THE AREA DESIRED FOR ZONING CHANGE:

NAME:

MAILING ADDRESS:

Grace Christian Academy, Inc.

1302 Lake Douglas Road, Bainbridge 39819

TIME SCHEDULE FOR DEVELOPMENT:

Current intent is to begin erosion control measures and rough grading on/about September 20th, 2021.

DEPARTMENT USE ONLY

SUBMITTAL DATE: _____

DATE CERTIFIED COMPLETE: _____

Department Representative Signature: _____

ZONING CHANGE APPLICATION

TABLE 14.2.3 - ANALYSIS REQUIREMENTS

1. Existing zoning of property contiguous with or located within 100 feet of subject property:
To West--INS; To North--LI; To East--LI; To South--UR-9

2. Does the proposed zoning change request permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)? Yes No
Explain: Property adjacent to the west is currently INS and north is LI.

3. Will the proposed zone change result in a use which could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools? Yes No
Explain: Fields will be used during the evenings, when commercial traffic is lighter.

4. Is the proposed zoning change in conformity with the policy and intent of the comprehensive plan* including use element? Yes No

5. Are there other existing or changing conditions affecting the use and development of property which give supporting grounds for either approval or disapproval of the proposal? Yes No

6. Length of time the property has been vacant or unused as currently zoned? Currently in
row crop cultivation, research of historical aerials show it has been cultivated since 1985. Likely
that is has never been truly used as medium density residential.

7. Does the property to be affected by the proposed conditional use have a reasonable economic use as currently zoned? Yes No

8. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification: Previous property owner
has rented the land to row crop farmers. GCA just took possession of the property via
gift from the previous owners.

9. Does the proposed zoning change create a possible isolated zoning district unrelated to adjacent and nearby districts? Yes No

*A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the City Hall map room and on the city's website at www.bainbridgect.com.

CONFLICT OF INTEREST IN ZONING DECISIONS
CAMPAIGN CONTRIBUTIONS

36-67A-3.

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom the campaign contribution was made; and (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.


(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the Respective local government showing:

The name and official position of the local government official to whom the campaign contribution was made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

I CERTIFY THAT ALL STATEMENTS FURNISHED IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I AM AWARE OF THE PROVISIONS CONTAINED IN O.C.G.A. 36-67A-3.

Property Owner(s) Signature:  School Board Chairman

PUBLIC HEARING DATES

DATE OF PLANNING COMMISSION MEETING: _____ @ 6:00 p.m.

DATE OF CITY COUNCIL MEETING: _____ @ 6:30 p.m.

*Planning Commission meetings are held at 6:00 p.m. at City Hall in the City Council Chambers located upstairs.
City Council meetings are held at 6:30 p.m. at City Hall in the City Council Chambers located upstairs.*

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Application Requirement	Amendment to Official Zoning Map
Application fee as established by resolution	Required - \$100.00
Application form furnished by the zoning administrator, including the applicant's signature and the property owner's signature	Required <i>CONDITIONAL USE APPLICATION</i>
Legal description of the property	Required
A survey plat of the property prepared by a registered land surveyor or, if the property is recorded on an existing plat in the land records of Decatur County, a copy of the correct county tax map found in the current tax mapping system of the county	Required
Letter of intent describing the proposed use of the property and/or other action requested	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 14.2.8, "Plan Requirements")	Required
Description of efforts of any special conditions voluntarily made a part of the request	Required
Other information required by the zoning administrator	Maybe

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Site Plan Requirement	Amendment to Official Zoning Map
Footprints of existing and proposed buildings and structures	Required
Dimensions and locations of parking areas including internal circulation and driveway approaches	Required
Tree protection survey (if applicable)	Maybe
Dimensions and general location of any landscaping and/or buffers (if applicable)	Required
Preliminary drainage plans (if applicable)	Required
Method of water supply and sewage disposal if not available on-site (if applicable)	Required
Dimensional requirements by zoning district	Required
Specific use provisions (if applicable)	Required
General dimensional provisions (if applicable)	Required
General development requirements (if applicable)	Required
Application requirements (if applicable)	Required
Other Information as required by the Zoning Administrator	Maybe

**TABLE 14.2.3
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Zoning Map
1. Existing use(s) and zoning of subject property	Required
2. Existing zoning of nearby property	Required
3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Maybe
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element ***	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required
7. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required

*** A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the map room at City Hall.

Grace Christian Academy, Inc.

All that certain 70.24 acres lying and being in Land Lots 282 and 319 in the 20th Land District of Decatur County, Georgia, and in the City of Bainbridge, described as beginning at an iron pin found at the intersection of the west land lot line of Lot 282 with the southeast right of way line of S.R. 97 (Faceville Highway) and run South 01 degrees 15 minutes 20 seconds East along said west land lot line 335.02 feet to an iron pin set, then South 88 degrees 44 minutes 40 seconds West 296.51 feet into Land Lot 319 to an iron pin, then South 01 degree 13 minutes 10 seconds East 648.04 feet to an iron pin, then North 89 degrees 16 minutes 05 seconds East 2,147.32 feet through a series of six iron pins to an iron pin set in Land Lot 282, then North 00 degrees 43 minutes 20 seconds West 2,103.12 feet through a series of six iron pins to an iron pin found on the southeast right of way of S.R. 97 (Faceville Highway), then South 58 degrees 15 minutes 40 seconds West along said right of way 2,170.02 feet to the point of beginning.

Being Tract 1 of a plat of survey for Leroy Adams & Z. A. Adams, Jr. prepared October 6, 1993 by Leroy Ouzts, GRLS #1654, recorded June 16, 2021 on Plat Book C124, page 31 of the plat records of the Clerk of Decatur County Superior Court.

Being a part of the property deeded to Leroy Adams and Z. A. Adams, Jr. by warranty deeds from Thomas W. Miller, Jr. and Patsy E. Baxley et al. recorded April 1, 1993, in Deed Book P-17, pages 235-238 and pages 239-243, Land Records of Decatur County. And further being all of the property described in those deeds which lies southeast of S.R. 97 (Faceville Highway). Being bounded on the north by S.R. 97 (Faceville Highway), on the east by property of Edward T. Mitchell and Krog Prime Land Holdings LLC, on the south by Avenue A, and on the west by the Hospital Authority and supposedly Jon Wayne Properties LLC.

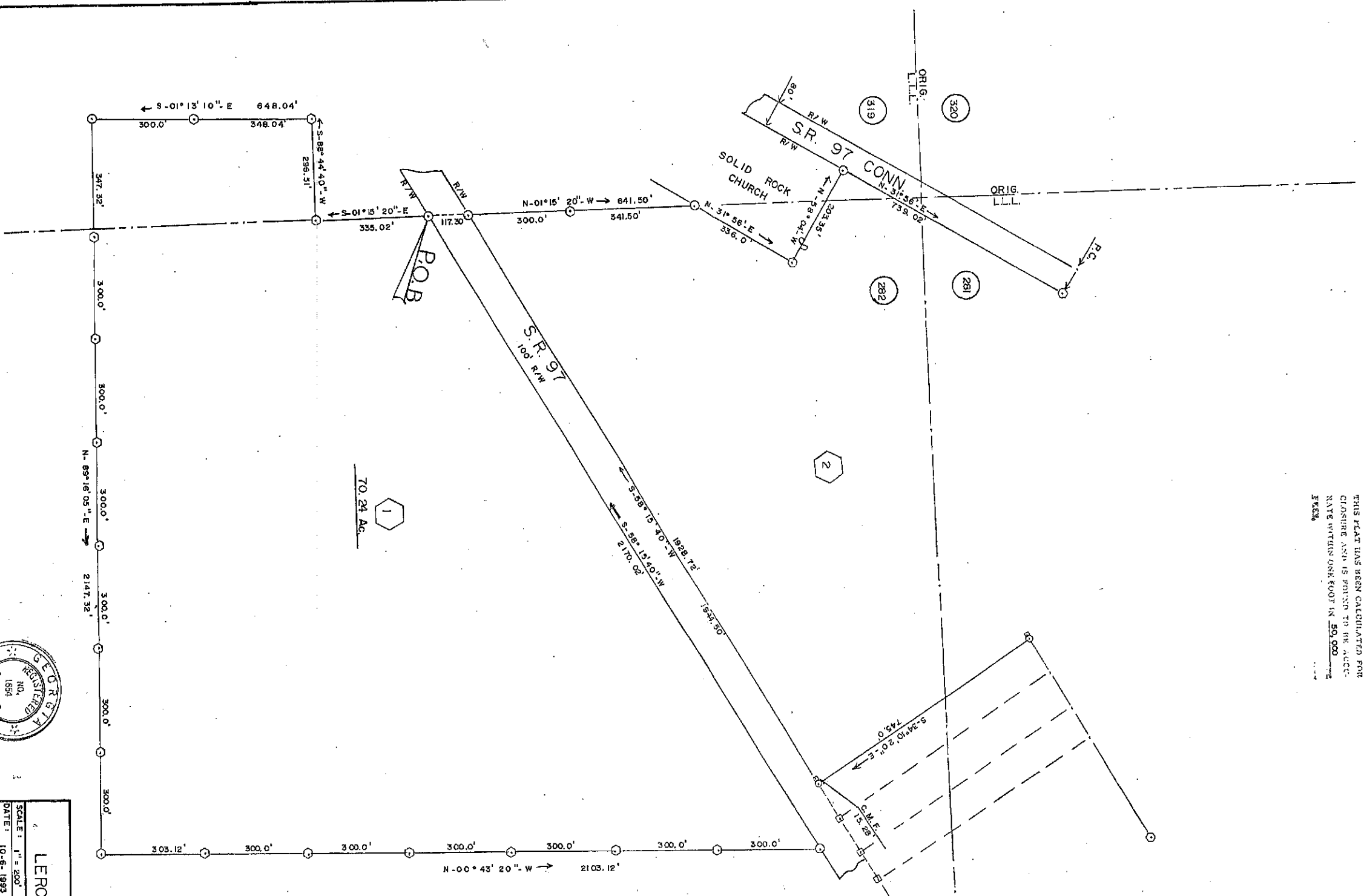
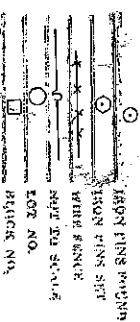
(For information only: being a part of Tax Map B42-45)

Z:\TITLES\G\G128 desc.wpd

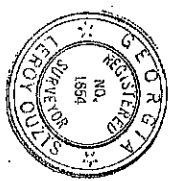
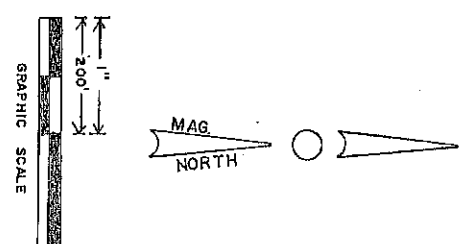
NOTES
 TO MY KNOWLEDGE THIS PROPERTY IS
 NOT IN A FLOOD ZONE, AND THE CON-
 TENTS OF THIS DOES NOT HAVE ANY MAJ-
 OR WHICH SHOW ANY PRESENCE OF AS-
 BESTION.

THE FIELD DATA UPON WHICH THIS
 PLAN IS BASED HAS A CLOSURE DEF-
 CIENCY OF ONE PART IN 50,000
 FEET AND AN ANGULAR ERROR OF
 4 MIN PER ANGLE POINT AND
 WAS ADJUSTED USING THE COULTESS
 METHOD.

THIS PLAN HAS BEEN CALCULATED FOR
 CLOSURE AND IS FOUND TO BE ACCU-
 RATE WITHIN ONE FOOT IN 50,000
 FEET.



I certify that this plan is correct and
 a true representation of the conditions
 on this property.
Leroy Adams
 Georgia Registered Surveyor No. 1554



SURVEY FOR	
LEROY ADAMS & Z. A. ADAMS, JR.	
SCALE: 1" = 200'	REVISION
DATE: 10-6-1993	DRAWN BY: D.A.K.
L.L.S. 282 & 319	CHECKED BY: C.D.
20th DIST.	
SURVEYOR: <i>Leroy Adams</i>	
BAINBRIDGE, DECATUR CO., GA.	
SUR. LIC. 1554	

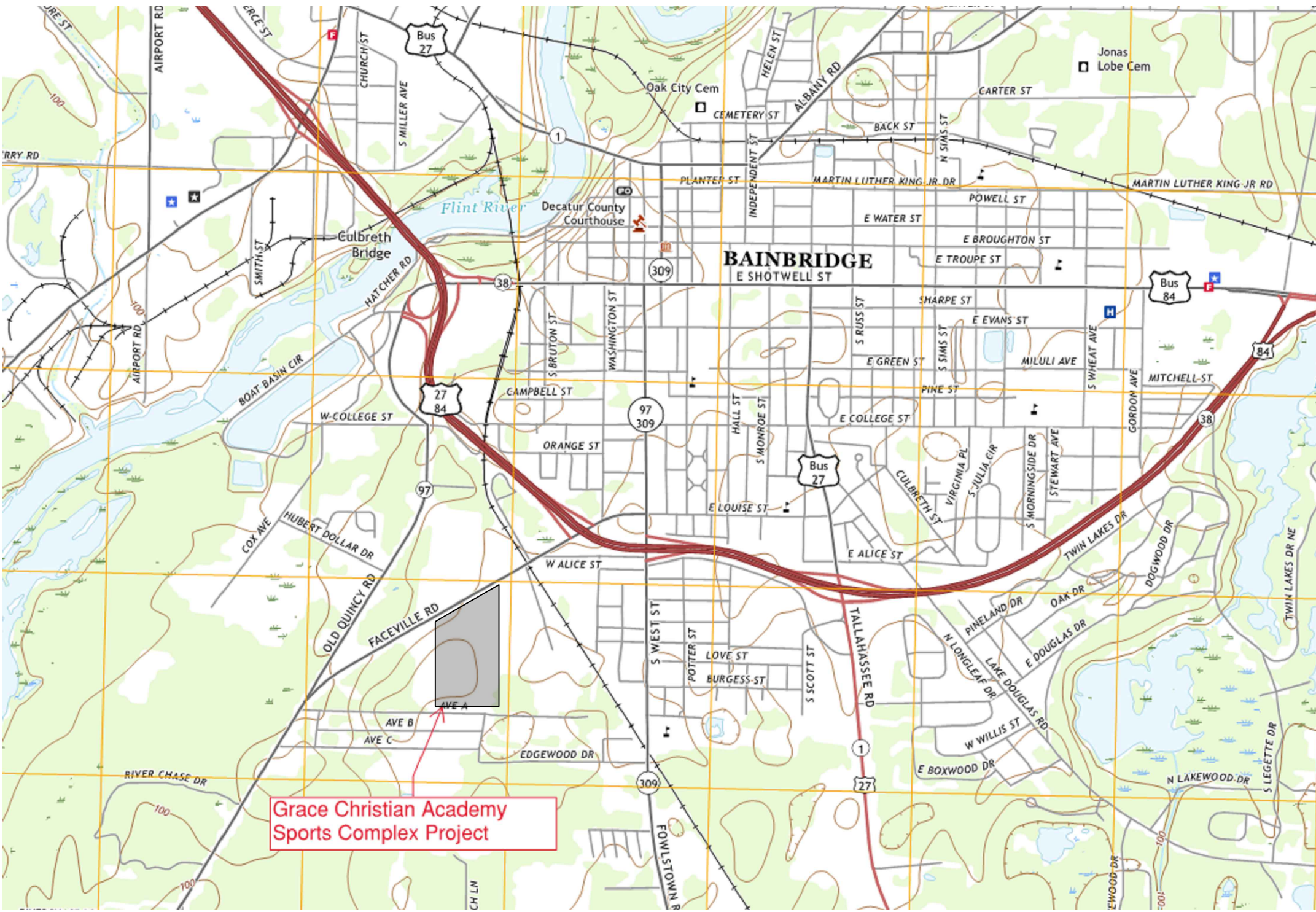
NEW ATHLETICS COMPLEX



GRACE CHRISTIAN ACADEMY
ROY & Z.A. ADAMS TRACT
BAINBRIDGE, GA.

ZONING CHANGE PLAN SET 8/5/2021

VICINITY MAP
N.T.S.



DESIGN/BUILDERS:





Notes:

Revisions					
No.	Date	Description	No.	Date	Description
A	7/28/21	INITIAL DESIGN			

Project:

GRACE CHRISTIAN ACADEMY
NEW ATHLETICS COMPLEX
ROY & Z.A. ADAMS TRACT

Truth In Excellence

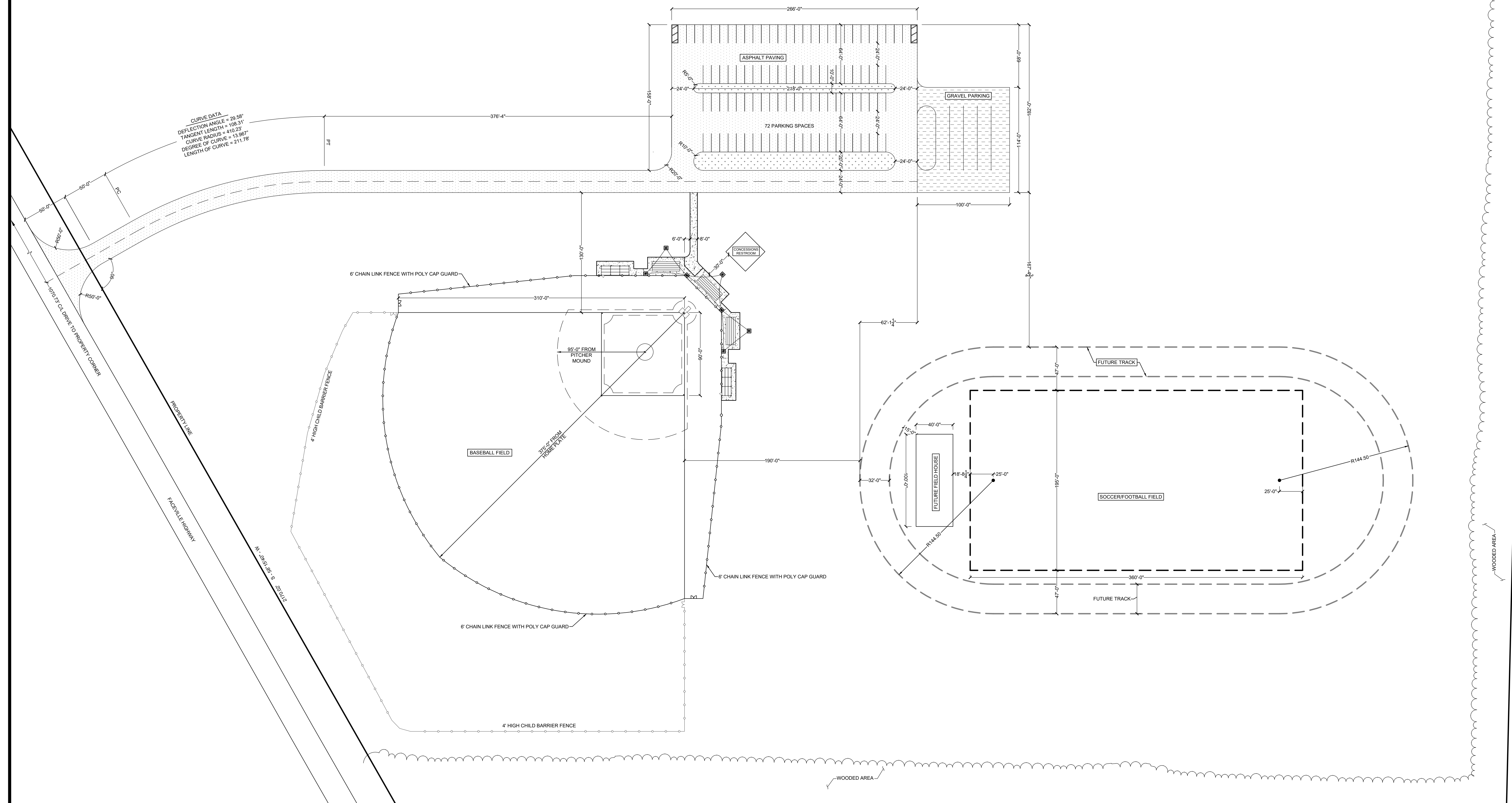
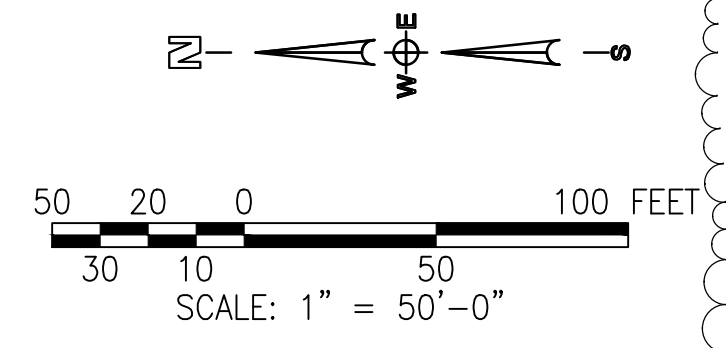
Title:

EXISTING SITE PLAN

BATES
 ENGINEERS/CONTRACTORS, INC.
 210 AIRPORT ROAD
 BAINBRIDGE, GEORGIA 31717
 (229) 246-4312 FAX: (229) 246-8596

Project No:	Issue Date:
Scale:	Phase:
Drawn By:	Checked By:
Sheet No:	

C-100



Notes:

Revisions					
No.	Date	Description	No.	Date	Description
A	7/28/21	INITIAL DESIGN			

Project:

GRACE CHRISTIAN ACADEMY
NEW ATHLETICS COMPLEX
ROY & Z.A. ADAMS TRACT

Truth In Excellence

Title:

SITE LAYOUT PLAN

BATES
 ENGINEERS/CONTRACTORS, INC.

210 AIRPORT ROAD
 BAINBRIDGE, GEORGIA 31717
 (229) 246-4312 FAX: (229) 246-8596

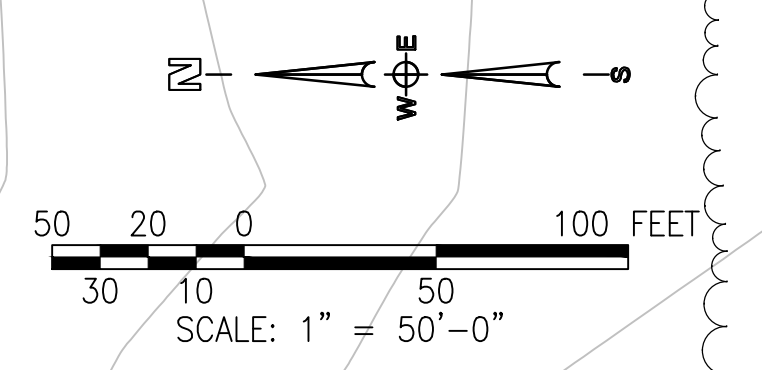
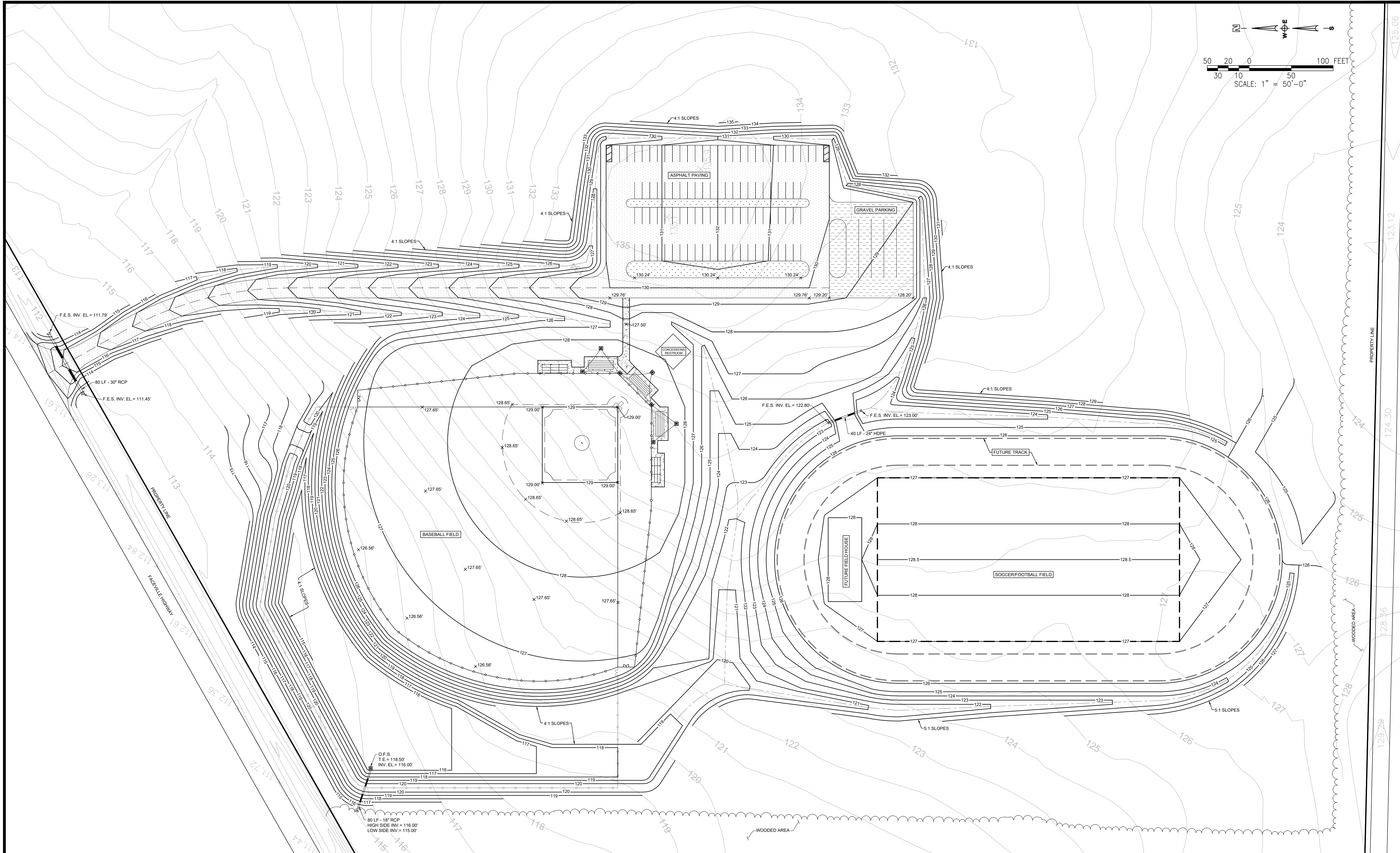
Project No:	Issue Date:
Scale:	Phase:
Drawn By:	Checked By:
Sheet No:	

7/28/21
 1:50
 AH
 JL
 C-101

PROPERTY LINE 17.32' N-80°16'05"-E

WOODED AREA

WOODED AREA



Notes:

Revisions					
No.	Date	Description	No.	Date	Description
A	7/28/21	INITIAL DESIGN			

Project:



**GRACE CHRISTIAN ACADEMY
NEW ATHLETICS COMPLEX
ROY & Z.A. ADAMS TRACT**

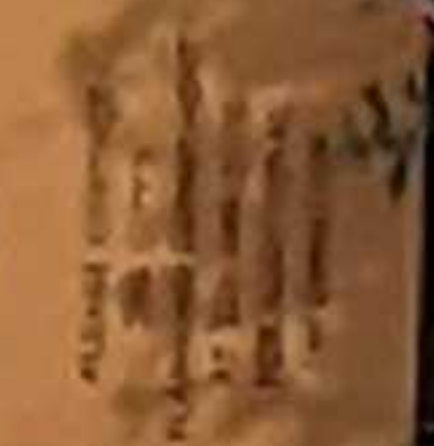
Title:

SITE GRADING PLAN

BATES
ENGINEERS/CONTRACTORS, INC.
210 AIRPORT ROAD
BAINBRIDGE, GEORGIA 31717
(229) 246-4312 FAX: (229) 246-8596

Project No:	Issue Date:
-	7/28/21
Scale:	Phase:
1:50	-
Drawn By:	Checked By:
AH	JL
Sheet No:	
	C-102

ZONING
PUBLIC
HEARING



Staff Analysis

DATE: August 30, 2021

TO: Bainbridge-Decatur County Planning Commission

FROM: Steve O'Neil, Planning Director

SUBJECT: ZONE-2021-002

ITEM 1: ZONE-2021-003: Applicant Grace Christian Academy is requesting a zoning change from Urban Residential 6 (UR-6) to Institutional (INS) for the purpose of constructing athletic fields, associated parking and small support structures for the athletic fields. The property is located on Hwy 97 South (part of Parcel ID B0420045) and is 70.24 acres.

CURRENT ZONING: Urban Residential 6 (UR-6)

REQUESTED ZONING: Institutional (INS)

FUTURE LAND USE DESIGNATION: Urban Medium Residential

ANALYSIS:

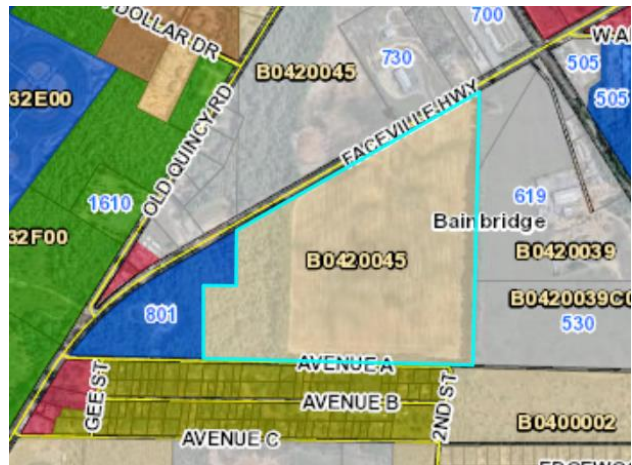
1. Existing Uses and Zoning of subject property:

Urban Residential 6 (UR-6).

2. Existing zoning of nearby property: The property is surrounded by UR-9, LI and INS.

3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use):

The proposal for school athletic fields is an acceptable use in the current location and should not impact the surrounding properties.



4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools: The proposed development will likely cause an increase of traffic along Faceville Highway. The DOT has reviewed the proposed plans and found that, as presented, the current ingress and egress will be fine but if they expand further, modifications to the roadway would need to be re-evaluated.

BAINBRIDGE-DECATUR

PLANNING COMMISSION

5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element: The proposal is in conformity with the policy and intent of the comprehensive plan and land use element.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal: None noted

7. Length of time the property has been vacant or unused as currently zoned: Unknown.

8. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned: The property has reasonable economic return as currently zoned.

9. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification: Unknown

10. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts: No.

RECOMMENDATION: The proposed location for the Grace Christian Academy ball fields is an excellent location given its proximity to the bypass. Water and sewer are available to the site. Staff recommend approval of the proposed rezoning of the property to institutional for the purpose of developing Grace Christian Academy ball fields.